

Notice of Allowability



Application No.

09/469,972

Examiner

Michael I Poe

Applicant(s)

DENKER ET AL.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Appeal Brief filed on June 4, 2004.
2. The allowed claim(s) is/are 1-48 and 71-90 (renumbered 1-6, 8-10, 7, 11-25, 46-57, 59-60, 58, 61-65, 67, 66, 68, 26-42, 44, 43, and 45, respectively).
3. The drawings filed on 21 December 1999 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 20040921 .
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)
	09/469,972	DENKER ET AL.
	Examiner	Art Unit
	Michael I Poe	1732

All Participants:

Status of Application: Rejected - Final

(1) Michael I Poe (Examiner). (3) _____.

(2) Stephen Jensen (Applicant's attorney). (4) _____.

Date of Interview: 21 September 2004

Time: 5:00 pm

Type of Interview:

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

None specifically

Claims discussed:

1-90

Prior art documents discussed:

The prior art of record

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

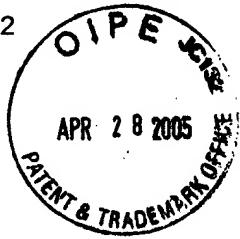
It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Art Unit: 1732

**EXAMINER'S AMENDMENT*****Authorization***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant; an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney Stephen Jensen on September 21, 2004.

Amendments

2. The application has been amended as follows:

The title has been changed to:

-- METHOD OF STRETCHING FILM --.

Claims 49-70 have been canceled without prejudice as being drawn to non-elected species.

Examiner's Statement(s) of Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:
 - (1) The prior art of record does not teach or suggest actively imparting a machine direction cooling gradient to at least a portion of the width of a stretched film, as defined on page 13, lines 11-21 of applicant's original disclosure, in an effective amount to improve the uniformity of spacing of driven and idler clips that are propelled to thereby stretch the film. Although U.S. Patent No. 3,551,546 to Gosper et al. in view of U.S. Patent No. 4,853,602 to Hommes et al. suggests actively imparting a machine direction cooling gradient to at least a portion of the width of a stretched film, U.S. Patent No. 3,551,546 to Gosper et al. in view of U.S. Patent No. 4,853,602 to Hommes et al. does not teach or suggest that such a cooling gradient would improve the uniformity of the spacing of the driven and idler clips. Further, such an improvement in the spacing of the driven and idler clips does not appear to inherently flow from the application of a machine direction cooling gradient.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER



Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner called the applicant's attorney to discuss proposed amendments necessary to place the application in condition for allowance. The examiner indicated that the arguments presented in the Appeal Brief filed on June 4, 2004 were found persuasive by the examiner, and therefore the claims in the application were in condition for allowance except for the presence of non-elected species claims 49-70. As such, the examiner proposed canceling claims 49-70 without prejudice. The examiner further proposed changing the title so that it better reflected the allowable invention. During the telephone interview, the applicant's attorney approved the examiner's proposed amendments and authorized the examiner to proceed with the agreed upon changes via Examiner's Amendment.